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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,778	11/13/2003	Hendrik Willem Meijer	U 014884-0	7412
140	7590	05/22/2006	EXAMINER A, PHI DIEU TRAN	
LADAS & PARRY 26 WEST 61ST STREET NEW YORK, NY 10023			ART UNIT 3637	PAPER NUMBER

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/712,778	Applicant(s) MEIJER ET AL.	
	Examiner Phi D. A	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/22/03; 4/7/05</u> | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-12, 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Dean (3728834).

Dean (figures 2, 7-11) shows a wall element assembly comprising a coupling profile (520), wall elements (512, 100, 102), at least one cover profile for covering the coupling profile, the coupling of the wall elements to each other for the wall element assembly consists essentially of the coupling profile, the cover profile (518) is coupled to the coupling profile for the covering, the wall elements abut each other (figure 7 shows the elements 100 and the its other extended part which is M-shaped and element 102 abut), the cover profile fully covers the coupling profile (502, figure 11), the cover profile is situated on the other side of the coupling profile rather than the side of the coupling profile where the wall elements meet (figure 2, 7), the cover profile extends over the pairs of wall elements in a direction perpendicular to the longitudinal direction of the wall elements (figure 7), the coupling profile is made of a rigid material, the profile being metal, the wall elements being made of wood (col 2 line 22), the coupling profile at the cover side forms an angle of greater than 180o (figure 7 shows the parts 32' and 40' having angle greater than 180o), the coupling profile is straight, the coupling profile is provided with an outermost recess for accommodating the cover profile and an innermost recess for accommodating ends of the wall elements (figures 7), the at least one cover profile fully covers

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the coupling profile, the connected wall elements abut each other, the wall elements are garden house wall elements (inherently can function as garden house wall elements), the coupling profile for coupling the wall elements to each other without glue or fastener for the wall element assembly, the cover profile only for coupling to and covering the coupling profile when the coupling profile couples the wall elements for the wall element assembly.

3. Claims 1-6, 10-12, 20-21, 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Bagley Sr. (3500600)

Bagley Sr. (figure 3) shows a wall element assembly comprising a one piece coupling profile (26), wall elements (20), at least one cover profile(50) for covering the coupling profile, the coupling of the wall elements to each other for the wall element assembly consists essentially of the coupling profile, the cover profile(50) is coupled to the coupling profile(26) for the covering, the wall elements abut each other, the cover profile fully covers the coupling profile, the cover profile is situated on the other side of the coupling profile rather than the side of the coupling profile where the wall elements meet, the cover profile extends over the pairs of wall elements in a direction perpendicular to the longitudinal direction of the wall elements (per parts 56 and 58), the coupling profile is made of a rigid material, the coupling profile at the cover side forming an angle greater than 180 degrees, the coupling profile is straight (vertically), the coupling profile is provided with an outermost recess (the space between parts 40 and 32) for accommodating the cover profile and an innermost recess (the space within parts 38, 30, 36, 28) for accommodating ends of the wall elements, the at least one cover profile fully covers the coupling profile, the connected wall elements abut each other, the wall elements are garden

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house wall elements (inherently capable of functioning as a garden house wall elements), the cover profile being located at an opposite, outer side of the coupling profile.

4. Claims 1, 3, 5-7, 10-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Cooper (4532739)

Cooper (figure 2) shows a wall element assembly comprising a one piece coupling profile (7, 6), wall elements (24, inherently can be wall elements as claimed), at least one cover profile (figure 4) for covering the coupling profile, the coupling of the wall elements to each other for the wall element assembly consists essentially of the coupling profile, the cover profile is coupled to the coupling profile (7, 6) for the covering, the cover profile fully covers the coupling profile, the cover profile extends over the pairs of wall elements in direction perpendicular to the longitudinal direction of the wall elements (per parts 18), the coupling profile being made of a rigid material, the coupling profile being made of metal (col 1 lines 40-45), the coupling profile at the cover side forming an angle greater than 180 degrees, the coupling profile is straight ((figure 1), the coupling profile is provided with an outermost recess (the space between part 12 and part 14) for accommodating the cover profile, an innermost recess (the space where the tip 25 of part 24 go into, figure 2) for accommodating ends of the wall elements, the outermost recess being limited to either side by two outermost legs (11), the longitudinal edges of the cover profile being provided with respective recesses (figure 4, the recess between part 18 and 20) to fit over the outermost legs, and the innermost recess being limited to either side by two innermost legs (figure 2, the leg 7), the ends of the wall elements (25) being provided with respective recesses to fit over the respective innermost legs, the outermost legs having a square

buckle, the outermost and innermost legs have been arranged perpendicularly to the base surface of the outermost recess and the innermost recess respectively.

5. Claim 22 is rejected under 35 U.S.C. 102(b) as being anticipated by Blick III et al (4065885).

Blick III et al (figure 10) shows a wall element assembly wall elements, a coupling profile (124) for coupling the wall elements to each other without glue or fastener for the wall element assembly (not using glue or fastener to attach the profile to the elements), a cover profile (15) only for coupling to and covering the coupling profile when the profile couples the wall elements for the wall element assembly.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dean (3728834).

Dean (figure 5) shows a wall element assembly comprising a coupling profile (28), wall elements (102, 100), at least one cover profile(48) for covering the coupling profile, the coupling of the wall elements to each other for the wall element assembly consists essentially of the coupling profile, the cover profile (48) is coupled to the coupling profile for the covering, the coupling profile is provided with an outermost recess (where part 48 and 14 go into) for accommodating the cover profile, an innermost recess (the space therebetween 124 and 126) for

accommodating ends of the wall elements, the outermost recess being limited to either side by two outermost legs (the legs which part 48 is attached to), the longitudinal edges of the cover profile being provided with respective recesses (the space within the outermost legs) to fit over the respective outermost legs, the innermost recess being limited to either side by two inner most legs (the legs to the outside of channels 124, 126), the ends of the wall elements having recesses (the space at 104) to fit over the respective innermost legs.

Dean does not show a pair of lower edge members coupled to the coupling profile, the innermost recess accommodating the ends of the lower edge members, the ends of the lower edge members having recesses to fit over the innermost legs, the lower edge members being covered by the cover profile.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Dean's structure to show a pair of lower edge members coupled to the coupling profile, the innermost recess accommodating the ends of the lower edge members, the ends of the lower edge members having recesses to fit over the innermost legs, the lower edge members being covered by the cover profile because having a pair of lower edge members would enable the formation of a tall wall without the need for very high wall elements as lower edge members/wall elements which stack one on top of the other would provide for a tall wall, and having lower edge members with same features as the wall element would allow for the ease of manufacturing of the wall elements.

Dean as modified shows a pair of lower edge members (the lower wall elements), the lower edge members coupled to the profile (the same way as the upper wall elements), the innermost recess accommodating the ends of the lower edge members (the same way as the

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upper wall elements), the ends of the lower edge members having recesses to fit over the innermost legs (the same way as the upper wall elements), the lower edge members being covered by the cover profile (the same way as the upper wall elements).

Response to Arguments

8. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

With respect to applicant's arguments to Dean, examiner respectfully points out the following. Applicant states that Dean does not show the coupling of the wall elements consists essentially of the coupling profile, examiner respectfully disagrees. As set forth, the limitation of "consist essentially" is not excluding. "consist essentially of" is much broader than "consist of" and is examined accordingly. With respect to "the cover profile is for covering", the cover profile as shown certainly does provide "covering" for the coupling profile and thus satisfies the claimed limitation. with respect to "for coupling", examiner respectfully points out that Dean's member functions to couple structures together and thus meets the limitations of "coupling". With respect to applicant's argument to claim 22 that the cover profile is only for coupling to and covering the coupling profile and that Dean's structure is insufficient as other functions are excluded, examiner respectfully states that the reference shows all the claimed structural limitations and able to meet the claimed function. Applicant's attempt to limit the structure by its "function" with "only" is insufficient to overcome the rejection by structure as set forth. Furthermore, applicant's cover profile has more functions than set forth by applicant. The cover profile can function as a connector enhancer as it pushes the coupling profile and prevents it

from dislodging from the wall elements, can function as a joint impact barrier, can function as a element barrier etc....

With respect to claim 23 and Dean reference, the rejection as set forth shows the wall elements meeting each other as claimed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different coupling profiles.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phi Dieu Tran A



5/11/06

LANNA MAI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

